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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FFM MUSHROOMS, INC.,

Plaintiff,

v.

RAIN FOREST PRODUCE, INC.,

Defendant.

Case No. 20-cv-08201-BLF

**ORDER ADOPTING REPORT AND
RECOMMENDATION; AND GRANTING
MOTION FOR DEFAULT JUDGMENT**

[Re: ECF 17, 23]


The Court has reviewed the Report and Recommendation (“R&R”) of Magistrate Judge Virginia K. DeMarchi (ECF 23), recommending that the Court grant Plaintiff FFM Mushrooms, Inc.’s Motion for Default Judgment (ECF 17) against Defendant Rain Forest Produce, Inc. The R&R was served on Defendant by mail on June 16, 2021. *See* Proof of Service, ECF 25. Defendant thereafter had fourteen days to object to the R&R. *See* Fed. R. Civ. P. 72(b)(2). Defendant did not file an objection within the time provided and still has not filed an objection.

The Court finds the R&R to be correct, well-reasoned and thorough. In particular, the Court agrees with Judge DeMarchi’s conclusions that jurisdiction is proper, service of process on Defendant was adequate, and default judgment is warranted after weighing the factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986). *See* R&R at 3-8. The Court also agrees with Judge DeMarchi’s correction to Plaintiff’s calculation of interest. *See* R&R at 10.

Accordingly, IT IS HEREBY ORDERED that:

- (1) The R&R is ADOPTED IN FULL; and
- (2) Plaintiff’s motion for default judgment is GRANTED.

Dated: July 13, 2021


BETH LABSON FREEMAN
United States District Judge